

GENCORP

US EPA RECORDS CENTER REGION 5



482867

175 Ghent Road
Fairlawn, Ohio 44333-3300

Tel: 216-869-4200

November 1, 1994

VIA FACSIMILE
312-886-7160

Ms. Sherry L. Estes, Assistant Regional Counsel
U.S. Environmental Protection Agency
CS-3T
77 West Jackson Boulevard
Chicago, IL 60604-3590

Re: Section 104(e) Request - Stickney/Tyler Landfill
(Dated October 17, 1994)

Dear Sherry:

This is to confirm our conversation of last week relative to the above captioned matter.

1. I called you to advise that GenCorp vigorously, adamantly and strenuously objects to the issuance of the above captioned request on the grounds, inter alia, that it is grossly and unduly burdensome, vexatious and seeks irrelevant and immaterial data.

2. You responded by stating that, based upon GenCorp's response to a 1993 Section 104(e) request, U.S. EPA is concerned about potential successorship issues involving GenCorp.

3. I replied that GenCorp's only potential nexus to the site involved a manufacturing facility located on Twining Street in Toledo, Ohio. GenCorp began operation of that facility in 1954 and continued such operations until the plant was sold to the employees in 1990. I further advised that GenCorp is an Ohio corporation which was founded in 1915. From 1915 until March 29, 1984, GenCorp was known as The General Tire & Rubber Company. On March 29, 1984, only the name of the corporation was changed.

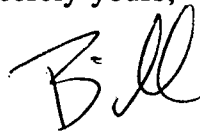
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4. You said that you would take this information under consideration, review GenCorp's response to the 1993 Section 104(e) request and thereupon advise as to U.S. EPA's position.

5. As we concluded our conversation, I noted that the request potentially requires the review of tens of thousands of documents entailing a similar number of person hours in regard to material that has no bearing on GenCorp's liability, if any, at these sites. The request is particularly opprobrious and oppressive in light of GenCorp's cooperation in the development and execution of the AOC and EE/CA at great monetary expense to GenCorp. Only six (6) of the forty-one (41) companies identified as PRP's have agreed to participate in these sites. To require GenCorp to respond to your request is tantamount to penalizing a corporation for acting responsibly in respect of its environmental affairs.

Kindly advise as to U.S. EPA's position in this matter.

Sincerely yours,



William A. Simon, Jr.
Assistant General Counsel

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